



TOWN OF WOODBURY

Zoning Commission

297 Main Street South

Post Office Box 369

Woodbury, Connecticut 06798-0369

TELEPHONE: (203) 263-3467

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MINUTES PUBLIC HEARING/REGULAR MEETING TUESDAY, MARCH 23, 2010

7:30 P.M.

TOWN ANNEX

MEMBERS PRESENT:

Robert Clarke
Ted Tietz
Chuck Cosgriff

ALTERNATES PRESENT:

Ron Judson

MEMBERS ABSENT:

Martin Overton
Alan Green

ALTERNATES ABSENT:

Chris Conto
Roberta Zulpa

ALSO PRESENT: Catherine Adsitt, George Johannesen, John Leach, Marianna Daniels, Ken Faroni, Rod Taylor, member of the press, and other interested residents.

I. PUBLIC HEARINGS

None

II. REGULAR MEETING

Vice-Chr. Robert Clarke convened the Regular Meeting of the Woodbury Zoning Commission at 7:30 p.m. Seated were Commissioners Clarke, Tietz, Cosgriff, and Alternate Judson. Reference was made to Section 8-11, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest.

A. PENDING APPLICATINS

1. 06-ZC-6038/Town of Woodbury/Land Use Office/2007 Regulation Revisions

Staff is continuing to prepare the final draft.

2. 10/ZC-1007/Winer-Sorensen/McTaggart/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Permit/Main Street Design District/Proposed Restaurant (Tax Assessor's Map 103/Lot 048)

After a brief discussion the Commission agreed to approve the application.

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MOTION:

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1007 filed by Carole A. Winer-Sorensen, Trustee, for property at 557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road (Tax Assessor's Map 103/Lot 048) for a Special Permit in the Main Street Design District for a restaurant with on premises dining and bar including seasonal outdoor dining, on-site catering and related offices, with limited accessory art and antique sales including sale of wine accessories (antiques and fine reproductions). The application includes related parking for 126 seat restaurant and new septic system. The restaurant and related uses will be in the current property occupied by Country Loft Antiques. The building will be expanded on one side to accommodate the restaurant functions. Related application 10-ZC-1011 was submitted for an Aquifer Protection Special Permit; and

WHEREAS, under Section 5.1.9 of the Woodbury Zoning Regulations the Commission referred the application to the Planning Commission for its study and report; and

WHEREAS, the Commission received the report of the Woodbury Planning Commission, which reviewed the application at a public hearing on February 17, 2010 in accordance with Section 5.1.9 of the Woodbury Zoning Regulations and found that the proposed use of the site would be consistent with the Town Plan of Conservation and Development and the Plan of Development for the Main Street Design District; and

WHEREAS, a duly noticed public hearing was convened on March 9, 2010 to consider the application and receive public comment; and

WHEREAS, the Commission has reviewed the report of the Town Planner dated January 25, 2010; and

WHEREAS, the Commission has reviewed the reports of the Town Engineer, Land Tech Consultants, dated February 16, 2010 and March 4, 2010; and

WHEREAS, the Commission has reviewed the report of the Town of Woodbury Public Works Department dated March 3, 2010; and

WHEREAS, the Commission has received a copy of the conditional approval of the proposed Sewage Disposal Systems by the Connecticut Department of Public Health, dated March 8, 2010; and

WHEREAS, the Commission has received the motion of approval by the Woodbury Inland Wetlands and Watercourses Agency, dated January 25, 2010; and

WHEREAS, the Commission has received the motion of the Woodbury Historic District Commission finding the application appropriate and issuing a Certificate of Appropriateness; and

WHEREAS, the Commission has duly considered all the information submitted and provided at the public hearing; and

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WHEREAS, the Commission finds that the proposed use is authorized pursuant to Section 5.1.4 and such use will be consistent with the existing uses in and adjacent to the District and will not impair the intent of the Woodbury Zoning Regulations and will safeguard the appropriate use of the land in the immediate vicinity and conforms to the requirements set forth in Section 5.1.6 of the Woodbury Zoning Regulations;

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Permit to use property at 557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road (Tax Assessor's Map 103/Lot 048) for a Bed and Breakfast in the Main Street Design District under Section 5.1.4 of the Woodbury Zoning Regulations and approves the Site Development Plan prepared by Curtis C. Jones, Civil 1, dated December 11, 2009, revised through February 22, 2010, consisting of:

Sheet 1- Site Plan, Grading Plan, Erosion Control Plan, dated December 11, 2009, revised through February 22, 2010;

Sheet 2 - Site Plan, Grading Plan, Erosion Control Plan, dated December 11, 2009, revised through February 22, 2010;

Sheet 3 – Area Map, dated December 11, 2009;

Sheet 4 - Details, Soil Testing Results, Construction Sequence, dated December 11, 2009, revised through February 22, 2010; and

as depicted on the architectural plans for the project titled: Addition & Alterations to the Deacon's Restaurant & Inn, 557 Main Street South, Woodbury, CT, prepared by Milton Gregory Grew, consisting of:

Sheet 1 – Basement Plan, dated 12-14-2009 Inland Wetland Application and 01-22-2010 Zoning Application;

Sheet 2- First Floor Plan, dated 12-14-2009 Inland Wetland Application and 01-22-2010 Zoning Application;

Sheet 3 – Second Floor Plan; dated 12-14-2009 Inland Wetland Application and 01-22-2010 Zoning Application;

Sheet 4- North & West Elevations and Business Sign; dated 12-14-2009 Inland Wetland Application and 01-22-2010 Zoning Application;

Sheet 5 – South & East Elevations; dated 12-14-2009 Inland Wetland Application and 01-22-2010 Zoning Application.

This approval is subject to the following conditions:

1. A complete final set of Site Development Plans shall be submitted for endorsement by the Chairs of the Zoning Commission and the Inland Wetlands and Watercourses Agency prior to the issuance of any zoning, building or driveway permits.
2. Any conditions imposed by the Woodbury Inland Wetlands and Watercourses Agency.
3. Two complete sets of the approved site development plans shall be submitted to the Land Use Office for its files.
4. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.
5. Any variation from or alteration of the approved Special Permit or Site Development Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.

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6. A copy of the Pomperaug District Department of Health final design approval of the sewage disposal system shall be filed prior to the endorsement of the Final Site Development Plan.
7. In accordance with Section 9.5 of the Woodbury Zoning Regulations, a performance bond shall be required. The performance bond shall be posted prior to the endorsement of the final site plan and the issuance of any Zoning Permits.
8. The sale of accessory items shall be limited as depicted on the floor plans, such that it does not have a designated sales floor area.

Made by Clarke, seconded by Tietz.

Vote 4-0 in favor.

3. 10/ZC-1008/Winer-Sorensen/McTaggart/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Exception/Main Street Design District/Proposed Bed & Breakfast (Tax Assessor's Map 103/Lot 048)

After a brief discussion the Commission agreed to approve the application.

MOTION:

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1008 filed by Carole A. Winer-Sorensen, Trustee, for property at 557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road (Tax Assessor's Map 103/Lot 048) for a Special Permit/Special Exception under Section 5.1.4 of the Woodbury Zoning Regulations for a Bed and Breakfast in the Main Street Design District. The current use of the property is a residential home with antiques sales proposed to be converted to a three guest room Bed and Breakfast with an owner occupied suite with one bedroom. There will be kitchen and dining areas for breakfast services and other public areas. The property includes a one bedroom cottage that will remain without changes and an antiques store in the barn for which a special permit has been sought under separate application that would allow the conversation of this space to a restaurant. Antique and boutique items will continue to be available for sale and an accessory use to the Bed and Breakfast. Related Application 10-ZC-1010 was submitted for an Aquifer Protection District Special Permit; and

WHEREAS, under Section 5.1.9 of the Woodbury Zoning Regulations the Commission referred the application to the Planning Commission for its study and report; and

WHEREAS, the Commission received the report of the Woodbury Planning Commission, which reviewed the application at a public hearing on February 17, 2010 in accordance with Section 5.1.9 of the Woodbury Zoning Regulations and found that the proposed use of the site would be consistent with the Town Plan of Conservation and Development and the Plan of Development for the Main Street Design District; and

WHEREAS, a duly noticed public hearing was convened on March 9, 2010 to consider the application and receive public comment; and

WHEREAS, the Commission has reviewed the report of the Town Planner dated January 25, 2010; and

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WHEREAS, the Commission has reviewed the reports of the Town Engineer, Land Tech Consultants, dated February 16, 2010 and March 4, 2010; and

WHEREAS, the Commission has reviewed the report of the Town of Woodbury Public Works Department dated March 3, 2010; and

WHEREAS, the Commission has received a copy of the conditional approval of the proposed Sewage Disposal Systems by the Connecticut Department of Public Health, dated March 8, 2010; and

WHEREAS, the Commission has received the motion of approval by the Woodbury Inland Wetlands and Watercourses Agency, dated January 25, 2010; and

WHEREAS, the Commission has received the motion of the Woodbury Historic District Commission finding the application appropriate and issuing a Certificate of Appropriateness; and

WHEREAS, the Commission has duly considered all the information submitted and provided at the public hearing; and

WHEREAS, the Commission finds that the proposed use is authorized pursuant to Section 5.1.4 and such use will be consistent with the existing uses in and adjacent to the District and will not impair the intent of the Woodbury Zoning Regulations and will safeguard the appropriate use of the land in the immediate vicinity and conforms to the requirements set forth in Section 5.1.6 f the Woodbury Zoning Regulations;

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Permit/Special Exception to use property at 557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road (Tax Assessor's Map 103/Lot 048) for a Bed and Breakfast in the Main Street Design District under Section 5.1.4 of the Woodbury Zoning Regulations and approves the Site Development Plan prepared by Curtis C. Jones, Civil 1, dated December 11, 2009, revised through February 22, 2010, consisting of:

Sheet 1- Site Plan, Grading Plan, Erosion Control Plan, dated December 11, 2009, revised through February 22, 2010;

Sheet 2 - Site Plan, Grading Plan, Erosion Control Plan, dated December 11, 2009, revised through February 22, 2010;

Sheet 3 – Area Map, dated December 11, 2009;

Sheet 4 - Details, Soil Testing Results, Construction Sequence, dated December 11, 2009, revised through February 22, 2010; and

as depicted on the following:

A floor plan of the Samuel Bull Home, the Residence of Carole Winer, prepared by Milton Gregory Grew, AIA, received by the Commission on January 26, 2010.

This approval is subject to the following conditions:

1. A complete final set of Site Development Plans shall be submitted for endorsement by the Chairs of the Zoning Commission and the Inland Wetlands and Watercourses Agency prior to the issuance of any zoning, building or driveway permits.
2. Any conditions imposed by the Woodbury Inland Wetlands and Watercourses Agency.
3. Two complete sets of the approved site development plans shall be submitted to the Land Use Office for its files.
4. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.
5. Any variation from or alteration of the approved Special Exception/Special Permit or Site Development Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.
6. A copy of the Pomperaug District Department of Health final design approval of the sewage disposal system shall be filed prior to the endorsement of the Final Site Development Plan.
7. In accordance with Section 9.5 of the Woodbury Zoning Regulations, a performance bond shall be required. The performance bond shall be posted prior to the endorsement of the final site plan and the issuance of any Zoning Permits.
8. The sale of accessory items shall be limited as depicted on the floor plans, such that it does not have a designated sales floor area.

Made by Clarke, seconded by Tietz.
Vote 4-0 in favor.

4. 10/ZC-1010/Winer-Sorensen/McTaggart/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Exception/Aquifer Protection District/Proposed Restaurant (Tax Assessor's Map 103/Lot 048)

After a brief discussion the Commission agreed to approve the application.

MOTION:

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1010 filed by Carole A. Winer-Sorensen, Trustee, for property at 557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road (Tax Assessor's Map 103/Lot 048) for a Special Permit in the Aquifer Protection District for a Special Permit/Special Exception under Section 5.1.4 of the Woodbury Zoning Regulations for a Bed and Breakfast in the Main Street Design District. The current use of the property is a residential home with antiques sales proposed to be converted to a three guest room Bed and Breakfast with an owner occupied suite with one bedroom. There will be kitchen and dining areas for breakfast services and other public areas. The property includes a one bedroom cottage that will remain without changes and an antiques store in the barn for which a special permit has been sought under separate application that would allow the conversion of this space to a restaurant. Antique and boutique items will continue to be available for sale as an accessory use to the Bed and Breakfast. Related Application 10-ZC-1010 was submitted for an Aquifer Protection District Special Permit. This application is related to Application 10-ZC-1007; and

WHEREAS, a duly noticed public hearing was convened on March 9, 2010 to consider the application and receive public comment; and

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WHEREAS, the Commission has reviewed the reports of the Town Engineer, Land Tech Consultants, dated February 16, 2010 and March 4, 2010; and

WHEREAS, the Commission has reviewed the report of the Town of Woodbury Public Works Department dated March 3, 2010; and

WHEREAS, the Commission has received a copy of the conditional approval of the proposed Sewage Disposal Systems by the Connecticut Department of Public Health, dated March 8, 2010; and

WHEREAS, the Commission has received the motion of approval by the Woodbury Inland Wetlands and Watercourses Agency, dated January 25, 2010; and

WHEREAS, the Commission has received the motion of the Woodbury Historic District Commission finding the application appropriate and issuing a Certificate of Appropriateness; and

WHEREAS, the Commission has duly considered all the information submitted and provided at the public hearing; and

WHEREAS, the Commission finds that the proposed use is designed in a manner to prevent pollution or degradation of the ground water supply;

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Permit to construct an addition to an existing barn and use property at 557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road (Tax Assessor's Map 103/Lot 048) for a restaurant in the Aquifer Protection District under Section 6.2 of the Woodbury Zoning Regulations and approves the Site Development Plan prepared by Curtis C. Jones, Civil 1, dated December 11, 2009, revised through February 22, 2010, consisting of:

Sheet 1- Site Plan, Grading Plan, Erosion Control Plan, dated December 11, 2009, revised through February 22, 2010;

Sheet 2 - Site Plan, Grading Plan, Erosion Control Plan, dated December 11, 2009, revised through February 22, 2010;

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3. Two complete sets of the approved site development plans shall be submitted to the Land Use Office for its files.
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6. A copy of the Pomperaug District Department of Health final design approval of the sewage disposal system shall be filed prior to the endorsement of the Final Site Development Plan.
7. In accordance with Section 9.5 of the Woodbury Zoning Regulations, a performance bond shall be required. The performance bond shall be posted prior to the endorsement of the final site plan and the issuance of any Zoning Permits.
8. The sale of accessory items shall be limited as depicted on the floor plans, such that there is no designated sales floor area.

Made by Clarke, seconded by Cosgriff.
Vote 4-0 in favor.

5. 10/ZC-1011/Winer-Sorensen/McTaggart/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Permit/Aquifer Protection District/Proposed Restaurant (Tax Assessor's Map 103/Lot 048)

After a brief discussion the Commission agreed to approve the application.

MOTION:

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1011 filed by Carole A. Winer-Sorensen, Trustee, in relation to Application 10-ZC-1007 for property at 557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road (Tax Assessor's Map 103/Lot 048) for a Special Permit in the Aquifer Protection District for a restaurant with on premises dining and bar including seasonal outdoor dining, on-site catering and related offices, with limited accessory art and antique sales including sale of wine accessories (antiques and fine reproductions). The application includes related parking for a 126 seat restaurant and a new septic system. The restaurant and related uses will be in the current property occupied by Country Loft Antiques. The building will be expanded on one side to accommodate the restaurant functions; and

WHEREAS, a duly noticed public hearing was convened on March 9, 2010 to consider the application and receive public comment; and

WHEREAS, the Commission has reviewed the reports of the Town Engineer, Land Tech Consultants, dated February 16, 2010 and March 4, 2010; and

WHEREAS, the Commission has reviewed the report of the Town of Woodbury Public Works Department dated March 3, 2010; and

WHEREAS, the Commission has received a copy of the conditional approval of the proposed Sewage Disposal Systems by the Connecticut Department of Public Health, dated March 8, 2010; and

WHEREAS, the Commission has received the motion of approval by the Woodbury Inland Wetlands and Watercourses Agency, dated January 25, 2010; and

WHEREAS, the Commission has received the motion of the Woodbury Historic District Commission finding the application appropriate and issuing a Certificate of Appropriateness; and

WHEREAS, the Commission has duly considered all the information submitted and provided at the public hearing; and

WHEREAS, the Commission finds that the proposed use is designed in a manner to prevent pollution or degradation of the ground water supply;

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Permit to construct an addition to an existing barn and use property at 557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road (Tax Assessor's Map 103/Lot 048) for a restaurant in the Aquifer Protection District under Section 6.2 of the Woodbury Zoning Regulations and approves the Site Development Plan prepared by Curtis C. Jones, Civil 1, dated December 11, 2009, revised through February 22, 2010, consisting of:

Sheet 1- Site Plan, Grading Plan, Erosion Control Plan, dated December 11, 2009, revised through February 22, 2010;

Sheet 2 - Site Plan, Grading Plan, Erosion Control Plan, dated December 11, 2009, revised through February 22, 2010;

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as depicted on the architectural plans for the project titled: Addition & Alterations to the Deacon's Restaurant & Inn, 557 Main Street South, Woodbury, CT, prepared by Milton Gregory Grew, consisting of:

Sheet 1 – Basement Plan, dated 12-14-2009 Inland Wetland Application and 01-22-2010 Zoning Application;

Sheet 2- First Floor Plan, dated 12-14-2009 Inland Wetland Application and 01-22-2010 Zoning Application;

Sheet 3 – Second Floor Plan; dated 12-14-2009 Inland Wetland Application and 01-22-2010 Zoning Application;

Sheet 4- North & West Elevations and Business Sign; dated 12-14-2009 Inland Wetland Application and 01-22-2010 Zoning Application;

Sheet 5 – South & East Elevations; dated 12-14-2009 Inland Wetland Application and 01-22-2010 Zoning Application.

This approval is subject to the following conditions:

1. A complete final set of Site Development Plans shall be submitted for endorsement by the Chairs of the Zoning Commission and the Inland Wetlands and Watercourses Agency prior to the issuance of any zoning, building or driveway permits.
2. Any conditions imposed by the Woodbury Inland Wetlands and Watercourses Agency.
3. Two complete sets of the approved site development plans shall be submitted to the Land Use Office for its files.
4. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.
5. Any variation from or alteration of the approved Special Permit or Site Development Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.
6. A copy of the Pomperaug District Department of Health final design approval of the sewage disposal system shall be filed prior to the endorsement of the Final Site Development Plan.
7. In accordance with Section 9.5 of the Woodbury Zoning Regulations, a performance bond shall be required. The performance bond shall be posted prior to the endorsement of the final site plan and the issuance of any Zoning Permits.
8. The sale of accessory items shall be limited as depicted on the floor plans, such that there is no designated sales floor area.

Made by Clarke, seconded by Tietz.
Vote 4-0 in favor.

6. 10-ZC-1013/Johannesen/146 South Pomperaug Avenue/Special Permit/Renovate and Expand Existing Motel Building/Middle Quarter District (Tax Assessor's Map 102/Lot 001)

George Johannesen was present for the application. Mr. Johannesen said the United Water Company was notified and the motel is not connected to the town water supply. Mr. Johannesen said the motel well would be abandoned and connection would be made to the town water supply.

Mr. Johannesen said the health department application will be submitted by next week, and soil testing was done on March 10, 2010.

Mr. Johannesen said the Board of Selectmen said they are thrilled that something is being done to renovate the motel.

Mr. Johannesen said he will speak to the tree warden regarding the trimming of one tree to increase Route 6 visibility, the removal of two trees for parking, and the removal of one dead tree. Mr. Johannesen said the applicant is willing to plant more trees if required. Mr. Johannesen said there will be a large planted area in the front of the motel, planted with shrubs and ground plantings, which will allow for better aesthetics and water quality.

Mr. Johannesen said the Inland Wetlands Agency, on March 22, 2010, determined that a public hearing is not needed. The Agency will conduct a site walk on Sunday, March 28, 2010. Mr. Johannesen said the Agency did have a concern regarding the gutters on the south end

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of the building and felt the water should be let out from the downspout into the proposed drainage ditch.

Mr. Johannesen said the Planning Commission unanimously approved the application.

Although the Aquifer Protection application is separate, and will be discussed later during this meeting, Mr. Johannesen said he did not see any aquifer protection concerns with this application. Mr. Johannesen said waste from the motel rooms would be removed by a trash hauler, and how often would depend on the occupancy of the rooms. Mr. Johannesen said there would be a dumpster on the site during construction, which would then be removed. Mr. Johannesen said chemicals used at the motel would be cleaning products and occasional paints or varnishes.

Mr. Johannesen said waste water would be reviewed by the Town Engineer and an application will be submitted to the health department. Mr. Johannesen said the sanitary waste water exceeds the standards by 9 gallons, which is less than a 1% increase. Mr. Johannesen said there would be a flow of 1125 gallons per day, and said that Land Tech did comment that because there would probably not be full occupancy at the motel each day, it would be okay. Mr. Johannesen also discussed Land Tech's other comments regarding the dry well, location of the roof gutter, and the infiltration system.

Catherine Adsitt, Town Planner, stated that a landscaping buffer is required and the applicant may have to go before the Zoning Board of Appeals for a variance. Mr. Johannesen said he felt that the Zoning Commission could make that decision. Vice-Chr. Clarke said he would want to see this done by the rules.

Vice-Chr. Clarke questioned that the gravel driveway is being considered impervious, stating that he would rather see a pervious driveway. Mr. Johannesen said the parking lot would be made smaller and replaced with landscaping.

The Commission agreed to schedule a public hearing for Tuesday, April 27, 2010.

MOTION:

To schedule a public hearing for Application 10-ZC-1013 submitted by Johannesen for a special permit to renovate and expand an existing motel building in the Middle Quarter District at 146 South Pomperaug Avenue on Tuesday, April 27, 2010, at 7:30 p.m. in the Town Annex Conference Room. (Tax Assessor's Map 102/Lot 001)

Made by Clarke, seconded by Alternate Judson.

Vote 4-0 in favor.

B. NEW APPLICATIONS

1. SV Woodbury/LLC/Adams/682 Main Street South, Unit 2/Change of Use from Wicker Store to Confectionery-Gift Store (Tax Assessor's Map 102/Lot 002)

The application was withdrawn.

2. Johannesen/146 South Pomperaug Avenue/Special Permit/Renovate and Expand Existing Motel Building/Aquifer Protection District (Tax Assessor's Map 102/Lot 001)

George Johannesen was present for the application. Commissioner Ted Tietz asked how many gallons of water per day per person is required. Mr. Johannesen said the health code says 75 gallons of water per day per person or 600 gallons of water per day per acre.

The Commission accepted the application, assigned it as Application 10-ZC-1015, and scheduled a public hearing for Tuesday, April 27, 2010.

MOTION:

To schedule a public hearing for Application 10-ZC-1015 submitted by Johannesen for a special permit to renovate and expand an existing motel building in the Aquifer Protection District at 146 South Pomperaug Avenue on Tuesday, April 27, 2010, at 7:30 p.m. in the Town Annex Conference Room. (Tax Assessor's Map 102/Lot 001)

Made by Clarke, seconded by Alternate Judson.

Vote 4-0 in favor.

MOTION:

To add to the agenda, under New Applications, an application submitted by Deschino, Shepard, and Leach for a change of use from a video store to a floor covering store at 689 Main Street South. (Tax Assessor's Map 102/Lot 036)

Made by Clarke, seconded by Tietz.

Vote 4-0 in favor.

MOTION:

To add to the agenda, under New Applications, an application submitted by St. Paul's Church for a special event permit for a church fair to be held on June 12, 2010, at 294 Main Street South. (Tax Assessor's Map 105/Lot 5)

Made by Clarke, seconded by Alternate Judson.

Vote 4-0 in favor.

3. Deschino/Shepard/Leach/689 Main Street South/Change of Use from Video Store to Floor Covering Store (Tax Assessor's Map 102/Lot 036)

John Leach of Flooring America was present for the application. Mr. Leach explained that Wildman Carpet is going out of business and Flooring America is buying their assets and moving to the location, which housed the video store at 689 Main Street South. Mr. Leach said they would be a showroom for flooring and kitchen cabinets.

Commissioner Ted Tietz asked if there would be outside storage. Mr. Leach said, materials are stored in Cheshire, and that this location would just be a showroom with displays.

Commissioner Tietz asked if any vehicles would be parked at the site at night. Mr. Leach said one Chevy Astro van would be parking at the site at night.

Vice-Chr. Clarke asked what the anticipated traffic would be. Mr. Leach said there would be approximately 30-40 customers per week. Vice-Chr. Clarke asked what the hours of operation were going to be. Mr. Leach said 10 a.m. to 5:30 p.m. Monday, Tuesday, Wednesday and Friday, to 7 p.m. on Thursday, and Saturday until 4 p.m.

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Commissioner Chuck Cosgriff asked if the showroom size would be the same as their current showroom. Mr. Leach said it would be smaller because they will not have offices or a kitchen.

Commissioner Ron Judson said he felt it would be less invasive and there would be less traffic.

The Commission agreed to authorize the ZEO to issue the necessary permits.

MOTION:

To authorize the ZEO to issue the necessary permits for an application submitted by Deschino, Shepard, and Leach for a change of use from a video store to a floor covering store at 689 Main Street South. (Tax Assessor's Map 102/Lot 036)

Made by Clarke, seconded by Alternate Judson.

Vote 4-0 in favor.

4. St. Paul's Church/294 Main Street South/Special Event Permit/Church Fair to be held on June 12, 2010 (Tax Assessor's Map 105/Lot 5)

Marianna Daniels was present for the application and stated the fair would be held on June 12, 2010, from 9 a.m. to 3 p.m. (no rain date is scheduled). Mrs. Daniels said the only change would be in signage, stating that one large sign would be placed near the cemetery and the sign on the corner would be made smaller, 2 feet x 4 feet, due to a site line issue. The signs would be erected two weeks prior to the fair.

Commissioner Tietz asked if there were any complaints made last year. Mrs. Daniels said there were no complaints.

Mrs. Daniels said there will be parking at Mitchell School, with a shuttle bus to bring people back and forth to the fair. Mrs. Daniels said an application has been submitted to Region 14. Mrs. Daniels said there would be directional signs for parking at the school.

Mrs. Daniels said the Police, Fire, and Health Departments will submit letters for the file.

The Commission agreed a public hearing was not needed and authorized the ZEO to issue the necessary permits, once the required letters are submitted.

MOTION:

To authorize the ZEO to issue the necessary permits for an application submitted by St. Paul's Church for a special event permit for a church fair to be held on June 12, 2010, at 294 Main Street South. (Tax Assessor's Map 105/Lot 5)

Made by Clarke, seconded by Tietz.

Vote 4-0 in favor.

C. OTHER BUSINESS

1. O & G Industries/Quarterly Reports/Stiles Road and Park Road Quarries/Water Reports/Status of Activities During Fire Quarter 2010

Ken Faroni was present. Mr. Faroni gave a summary of the quarterly report for the Stiles Road and Park Road quarries.

Stiles Road –

Mr. Faroni said there were 4 blast related complaints. Three people called to say they felt the blast, and one, Gail Leddick, alleged damage to her chimney and walls. Mr. Faroni said he offered to meet with Ms. Leddick and she said to wait until the spring, but Mr. Faroni said he felt that was too long to wait, and that he would touch base with her soon.

Mr. Faroni said there were 7 production shots. There was a decrease in truck traffic, as it does decrease during the winter. There was no reclamation done, since there were no areas that met final grades. Materials excavated were under the 400,000 cubic yard limit, at around 200,000 cubic yards of mined basalt. Mr. Faroni said the concrete plant is not in operation yet this year, and the asphalt plant will open the first or second week of April.

Mr. Faroni said the required reports were submitted to DEP.

Park Road –

Mr. Faroni said there was one complaint from a resident on Parkland Drive, whose well failed and wondered if there would be an impact when a new well was installed. Mr. Faroni said he visited the resident and assured him there would be no impact to the new well.

Mr. Faroni said there were 9 production shots. There has been no truck traffic since mid-December. Mr. Faroni said 1.65 acres were reclaimed – graded, seeded, and mulched and said the seeding came in well. Mr. Faroni said 5-8 trees succumbed and would be replaced. Mr. Faroni said 340,100 cubic yards of material was mined. Mr. Faroni said the scale house is not open at this time.

Mr. Faroni explained that to alleviate ground water, they may do a series of blasts to break up rock to make the water flow. Mr. Faroni discussed the water quality report stating that they have a permit to pump 1.17 million gallons of water per day, and they are not even close to that number. Mr. Faroni said there are three wetlands areas, with no impacts to surrounding wells. Mr. Faroni said a diversion permit is required to monitor the stream, and there is no impact there. Mr. Faroni said the new detention basin is working very well.

D. ENFORCEMENT

Catherine Adsitt, Town Planner, read the current enforcement report into the record.

Vice-Chr. Clarke asked about the ongoing complaint regarding light shining into a resident's window on Pomperaug Avenue from Sherman Village. Mrs. Adsitt said the resident refused shades and curtains that were offered to them, and in a letter from Kermit Adams, Mr. Adams said the light was owned by CL & P. Vice-Chr. Clarke said that perhaps the hood on the light could be angled differently.

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E. PRIVILEGE OF THE FLOOR

Rod Taylor was present and said he would like to make upgrades and improvements to the ski area, making it better, safer, and more competitive. Mr. Taylor said he wants to replace the T-bar, which was installed in 1962, with a magic carpet lift 2/3 of the way up, then the handle tow the rest of the way up.

Mr. Taylor said he is considering summer tubing, which would consist of installing Astroturf on the existing trail, which is then made wet, and uses hard bottom tubes.

Mr. Taylor said he is proposing to adjust the tubing runs. Mr. Taylor said he is proposing to put in a curtain drain to catch surface water when making snow, which would satisfy DOT. Mr. Taylor said he is proposing to enlarge the sun deck on the lodge. Mr. Taylor said proposed is a new well and to remove less than 100 yards of topsoil so it doesn't collapse and fall on the well. Mr. Taylor said he would like to add more gravel on the parking areas. Mr. Taylor said he would like his \$30,000 performance bond returned.

Mr. Taylor said he is also experimenting with a designer for thrill sleds, which have skis in the winter and wheels in the summer, instead of using the tubes.

Catherine Adsitt said applications would need to be made to seek the appropriate approvals. Mrs. Adsitt said an engineered plan, not a hand drawn plan, would need to be submitted for a qualified engineer to review it. Mr. Taylor said the ski area is non-conforming and felt that if the State of CT has to approve everything first, wondered why he would have to go through making applications. Mr. Taylor said he doesn't think public hearings should be required to do this work because things in the ski business are always changing and these changes are just part of the ski business.

Catherine Adsitt explained to Mr. Taylor if he is proposing anything that is not yet permitted, it needs to go through an approval process. Commissioner Chuck Cosgriff commented that this process also protects Mr. Taylor, and said the applications would lay out all the information the Commission needs to know. Mr. Taylor said the ski area was there since 1962, before zoning, and he wants to have flexibility to make changes like other CT ski areas. Mr. Taylor said it is important for people to know that he changed the industry by bringing in music and snowboarding for 38 years. Mr. Taylor did not understand why every time he has an idea he has to come before the Commission or he will be issued a Cease and Desist Order. Mr. Taylor said it is ruining his business, stating that he is 66 years old and he doesn't want to fight to have to do anything anymore.

Catherine Adsitt stated that she was thrilled Mr. Taylor came in to discuss his proposals and recommended that Mr. Taylor come in to the Land Use office for further discussion, so the changes could be researched.

F. CONSIDERATION OF MINUTES

Regular Meeting – March 9, 2010

The following changes were made:

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Page 1 – Should read that **Ron** Judson was present.

Page 4, Para. 6 – Should read: "...and the others **for** following too close."

Page 5, Para. 4 – Should read: "...to **complement** the existing antiques..."

Page 7, Para. 6 – Should read: "...one free standing sign, one supplementary sign, **and one building sign.**"

Page 7, Para. 8 – Should read: "...a small delivery **truck**..."

Page 8, Para. 5 – Should read: "...could **regulate** animals in any zone."

Page 8, Para. 6 – Should read: "...they fight each other."

MOTION:

To approve the minutes of the Tuesday, March 9, 2010, Regular Meeting of the Woodbury Zoning Commission, as amended.

Made by Clarke, seconded by Tietz.

Vote 4-0 in favor.

G. CORRESPONDENCE

None

H. ADJOURNMENT

MOTION:

To adjourn the meeting at 10:10 p.m.

Made by Clarke.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Karen Blanchet, Clerk